



PATENT  
Docket No.: 3339.2.1

***DECLARATION, POWER OF ATTORNEY AND PETITION***

I, Fred P. Smith, declare: that I am a citizen of the United States of America; that my residence and post office address is 228 South Scenic Drive, Alpine, Utah 84004; that I verily believe I am the original, first, and sole inventor of the subject matter of the invention or discovery entitled "CARGO UNLOADING APPARATUS AND METHOD", for which a patent is sought and which is described and claimed in the specification attached hereto; that I have reviewed and understand the contents of the above-identified specification, including the claims; and that I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Section 1.56 of Title 37 of the Code of Federal Regulations.

I hereby claim the benefit under Section 119(e) of Title 35 of the United States Code of the earlier filed pending application Serial No. 60/441,490, filed January 21, 2003 and entitled CARGO UNLOADER; and, insofar as the subject matter of the claim of this application is not disclosed in the earlier filed application in the manner provided by the first paragraph of Section 112 of Title 35 of the United States Code, I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in Section 1.56 of Title 37 of the Code of Federal Regulations, which became available between the filing date of the earlier filed applications and the filing date of this application.

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application or any patent issuing thereon.

I hereby appoint as my attorneys A. John Pate, Gary D.E. Pierce, Hal D. Baird, David B. Fonda, Warren M. Pate, Daniel P. Nelson, and Michael G. Pate, Registration Nos. 36,234, 38,019, 42,284, 39,672, 54,364, 52,063, and 53,439, respectively, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

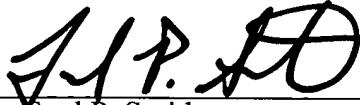
All correspondence and telephonic communications should be directed to:

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Wherefore, I pray that Letters Patent be granted to me for the invention or discovery described and claimed in the foregoing specification and claims, declaration, power of attorney, and this petition.

Signed at SALT LAKE CITY Utah on this 28<sup>TH</sup> day of JANUARY, 2004.

Inventor

A handwritten signature in black ink, appearing to read 'F.P. Smith', written over a horizontal line.

Fred P. Smith  
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